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SUPPLEMENT.

AMENDMENTS TO RULES UNDER THE LEGAL PRACTITIONERS ACT.

By virtue of the powers conferred by section 27 of the Legal Practitioners' Act (XVIII of 1879) and all other powers thereunto enabling, the High Court has made the following amendments to the rules framed under the Act contained in section C, Chapter X, Part II of the Civil Rules of Practice and Circular Orders, Volume I. These amendments shall come into force with effect from the 22nd May, 1947 and shall apply to suits, appeals or proceedings filed on or after the 22nd May 1947.

Rule 31.—In clause 1 of the rule, *for* the figure and words "4 per cent.", *substitute* the figure and words "5 per cent."

For the existing sub-clause (1) of clause (II), *substitute* the following :—

"If the amount or value of the claim does not exceed Rs. 5,000 at 7 per cent. subject to a minimum of Rs. 25."

Add to the "Exception" the following :—

"This exception will not apply to such suits in the districts of North Malabar, South Malabar and South Kanara."

For the existing sub-clause (2), *substitute* the following :—

"(2) If the amount or value exceeds Rs. 5,000 but does not exceed Rs. 10,000, on Rs. 5,000 as above and on the remainder at 5 per cent."

For the existing sub-clause (3), *substitute* the following :—

"(3) If the amount or value exceeds Rs. 10,000 but does not exceed Rs. 20,000, on Rs. 10,000 as above and on the remainder at 4 per cent."

For the existing sub-clause (4), *substitute* the following :—

"If the amount or value exceeds Rs. 20,000 but does not exceed Rs. 50,000, on Rs. 20,000 as above and on the remainder at 2 per cent."

Renumber the existing sub-clause (5) as sub-clause (6) and *add* the following as sub-clause (5) :—

"(5) If the amount or value exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 on Rs. 50,000 as above and on the remainder at 1½ per cent."

Renumber the existing clause (6) as clause (7).

Rule 34.—*For* the existing rule, *substitute* the following :—

"The fee for practitioners appearing in execution petitions in Small Cause or Original Suits shall be, in contested cases one-third and in uncontested cases one-fourth, of the fee allowable on the amount or value of the relief which is claimed in execution, as calculated under rule 31 (I) and (II) above, irrespective of the number of execution petitions."

Rule. 35.—*For* the existing clause (1), *substitute* the following :—

"(1) *Application for arrest or attachment before judgment (Order XXXVIII, Schedule I, Code of Civil Procedure), applications for injunctions (Order XXXIX, Schedule I, Code of Civil Procedure) or for the appointment of Receivers (Order XL, Schedule I, Code of Civil Procedure), Claim Petitions (Order XXI, rule* 58, *Schedule I, Code of Civil Procedure), applications under Order XXI, rules* 97 *and* 100, *Schedule I, Code of Civil Procedure, applications to sue or appeal in forma pauperis (Order XXXIII and Order XLIV, Schedule I, Code of Civil Procedure), applications for review (Order XLVII, Schedule I, Code of Civil Procedure) rejected after notice to the other side but without a re-hearing, applications to set aside ex parte decrees (Order IX, rule* 13, *Schedule I, Code of Civil Procedure, and Order XLI, rule* 21, *Schedule I, Code of Civil Procedure), applications to set aside abatement (Order XXII, Schedule I, Code of Civil Procedure) and applications in other cases not specifically provided for by this rule whether before or after decree.*—The fee shall be not less than Rs. 10 and not more than Rs. 25 in a Munsiff's Court and not less than Rs. 15 and not more than Rs. 50 in a Subordinate Judge's Court or District Court."

For the existing clause (2), *substitute* the following :—

"(2) *Applications for discovery, inspection and production of documents (Order XI, Schedule I, Code of Civil Procedure) and for notice to admit documents (Order XII, Schedule I, Code of Civil Procedure).*—The fee shall be Rs. 10 in a Munsiff's Court and Rs. 15 in a Subordinate Judge's Court or District Court."

Delete the existing clauses 3, 4, 6 and 7.

Renumber the existing clause (5) as clause (3).

Renumber the existing clause (8) as clause (4).

Renumber the existing clauses(9) and (10) as clauses (5) and (6).

Add the following as clause 7 :—

" (7) *Applications under the Arbitration Act*, 1940, other *than those provided for by sub-clauses* (5) *and* (6).—The fee shall be in the discretion of the Court subject to a minimum of Rs. 5 and a maximum of Rs. 100."

Rule 36.—*For* the existing rule, *substitute* the following :—

" The fee for legal practitioners in Civil Miscellaneous Appeals against orders including orders under section 47, Code of Civil Procedure, shall be at the discretion of the Court subject to a minimum of Rs. 25."

Rule 37.—*For* the existing clause (*g*) (2), *substitute* the following :—

" (*g*) (2) *Applications under sections*, 4, 53 *and* 54, *Provincial Insolvency Act*.—Fee not exceeding Rs. 35 in a Munsiff's Court and Rs. 100 in a Subordinate Judge's Court or District Court."

Rule 38.—*For* the existing sub-clause (*i*) to (*iv*) of rule 38 (1) (*a*) *substitute* the following :—

" (*i*) If the amount or value of the claim does not exceed Rs. 5,000 at 7 per cent. subject to the minimum prescribed by rule 40.

(*ii*) If the amount or value exceeds Rs. 5,000 but does not exceed Rs. 10,000 on Rs. 5,000 as above and on the ramainder at 5 per cent.

(*iii*) If the mount or value exceeds Rs. 10,000 but does not exceed Rs. 20,000 on Rs. 10,000 as above and on the remainder at 4 per cent.

(*iv*) If the amount or value exceeds Rs. 20,000 but does not exceed Rs. 50,000 on Rs. 20,000 as above and on the ramainder at 2 per cent.

(*v*) If the amount or value exceeds Rs. 50,000 but does not exceed Rs. 1,00,000 on Rs. 50,000 as above and on the remainder at 1 1/2 per cent.

(*vi*) If the amount or value exceeds Rs. 1,00,000 on Rs. 1,00,000 as above and on the remainder at ¾ per cent."

For the existing clauses (*i*) to (*iii*) of rule 38 (1) (*b*), *substitute* the following :—

" (*i*) If the amount or value of the claim does not exceed Rs. 5,000 at 3 1/2 per cent.

(*ii*) If the amount or value exceeds Rs. 5,000 and does not exceed Rs. 10,000, on Rs. 5,000 as above and on the remainder at 2½ per cent.

(*iii*) If the amount or value exceeds Rs. 10,000 and does not exceed Rs. 20,000 on Rs. 10,000 as above and on the remainder at 2 per cent.

(*iv*) If the amount or value exceeds Rs. 20,000 but does not exceed Rs. 50,000, on Rs. 20,000 as above and on the remainder at 1 per cent.

(*v*) If the amount or value exceeds Rs. 50,000 and does not exceed Rs. 1,00,000 on Rs. 50,000 as above and on the remainder at 3/4 per cent."

Renumber the existing clause (*iv*) as clause (*vi*).

Rule 39.—*For* the existing rule, *substitute* the following :—

" In the High Court, in appeals from orders, re-hearing on review, and other miscellaneous cases (not being applications provided for in rule 48) fees are payable on the following scale :—

(*i*) If the amount or value of the claim does not exceed Rs. 5,000 at 2 per cent.

(*ii*) If the amount or value exceeds Rs. 5,000 and does not exceed Rs. 10,000, on Rs. 5,000 as above and on the remainder at 1 per cent.

(*iii*) If the amount or value exceeds Rs. 10,000 and does not exceed Rs. 20,000, on Rs. 10,000 as above and on the remainder at ½ per cent.

(*iv*) If the amount or value exceeds Rs. 20,000 and does not exceed Rs. 50,000, on Rs. 20,000 as above and on the remainder at 1/3 per cent.

(*v*) If the amount or value exceeds Rs. 50,000 and does not exceed Rs. 1,00,000 on Rs. 50,000 as above and on the remainder at 1/8 per cent.

(*vi*) If the amount or value exceeds Rs. 1,00,000 on Rs. 1,00,000 as above and on the remainder at 1/16 per cent."

After rule 39, *add* the following :—

" *Rule* 39-A.—In suits, appeals, execution proceedings, and in the special cases referred to in rule 37, in any of which the amount of work involved is unusually great or the proceedings are unusually long having regard to the value of the suit, appeal or proceedings or the special cases, as the case may be, the Court may, on the application of a party, direct that a higher fee than would ordinarily be admissible under these rules be allowed to a party for reasons to be recorded in writing."

In rule 40 (*b*) (1) *substitute* " Rs. 50 " *for* "Rs. 35."

In rule 40 (*c*) *substitute* " Rs. 35 " *for* " Rs. 25."